



File NR S2-30197  
WR Doc ID 4192224

State of Washington  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

PRIORITY DATE  
5/24/2004

WATER RIGHT NUMBER  
S2-30197

MAILING ADDRESS  
CICI WILSON  
1909 28TH ST SE  
AUBURN WA 98002

SITE ADDRESS (IF DIFFERENT)  
HIGHWAY 101  
FORKS WA 98331-9358

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.34

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic single (in house use only)	0.02		CFS	0.34		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
JEFFERSON	UNNAMED SPRING		20-SOL DUC-HOH

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	612073008	N/A	26N	12W	07	SE¼ SW¼	47.7678	-124.3039
Datum: NAD83/WGS84								

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

612073008

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Huelsdonk-Wilson Short Plat Lot 2

Proposed Works

Ms. Wilson requests to divert water from an unnamed spring for domestic supply (in house use only). Ms. Wilson plans on diverting water from the spring using a hose with a screened intake. Water will be pumped to a reservoir tank for use in-house.

### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
March 1, 2016	March 1, 2018	March 1, 2020

### Measurement of Water Use

How often must water use be measured?	Annually
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

### Provisions

#### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

#### Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water at Northwest Drinking Water Operations, 20435 72nd Avenue S, Suite 200, K17-12, Kent, WA 98032-2358, (253) 396-6750.

#### Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

#### Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

#### Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

### Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

### Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S2-30197, subject to existing rights and the provisions specified above.

### Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

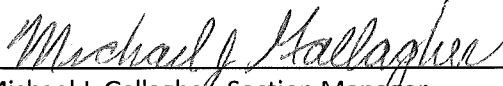
To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 13<sup>th</sup> day of March 2014.

  
Michael J. Gallagher, Section Manager

#### INVESTIGATOR'S REPORT

Application for Water Right -- Wilson  
Water Right Control Number S2-30197  
Tammy Hall, Department of Ecology

### BACKGROUND

On June 10, 2004, Cici Wilson filed *Water Right Application S2-30197* requesting 0.04 cubic feet per second (cfs) and an unspecified annual quantity for domestic supply. This project is located in Water Resources Inventory Area 20, the Sol Duc-Hoh.

#### Attributes of Application

Table 1 Application Summary

<i>Name</i>	<i>Cici Wilson</i>
<b>Priority Date</b>	5/24/2004
<b>Instantaneous Rate</b>	0.04cfs
<b>Annual Quantity</b>	unspecified
<b>Purpose(s) of Use</b>	Domestic Supply
<b>Period of Use</b>	Continuous use
<b>Place(s) of Use</b>	Huelsdonk-Wilson Short Plat Lot 2

Table 2 Proposed Point of Withdrawal

<i>Source Name</i>	<i>Parcel</i>	<i>Twp</i>	<i>Rng</i>	<i>Sec</i>	<i>QQ Q</i>	<i>Latitude</i>	<i>Longitude</i>
Unnamed spring	612073008	26N	12W	7	SE SW	47.7678	-124.3039

#### Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are addressed in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, Ecology must make determinations on these four criteria in order to approve an application for water rights:

- Water must be available for appropriation.
- There must be no impairment of existing rights.
- The water use must be a beneficial use.
- Approving the application must not be detrimental to the public interest.

## Public Notice

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The applicant published public notice for this project proposal in *Port Townsend and Jefferson County Leader* once a week for two consecutive weeks beginning on March 27, 2013 and ending April 3, 2013. No protests or letters of concern in response to this notice.

## State Environmental Policy Act (SEPA)

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A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- 1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
- 2) Groundwater applications requesting more than 2,250 gpm.
- 3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- 4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- 5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA.

## INVESTIGATION

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The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Topographic and local area maps.
- Notes from a site visit on November 5, 2013 and interview with Mary Huelsdonk, owner of the parcel next to the proposed Place of Use.
- WRIA 20 Watershed planning documents.
- Ecology's Surface Water Source Limitations (SWSL) list.

## Project Area Description

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The project is located in the Sol Duc-Hoh Water Resource Inventory Area (WRIA) 20 within the watershed for the Hoh River. The Hoh River is roughly 56 miles long and stretches across the Olympic Peninsula. It originates on the east slopes of Hurricane Ridge at the Hoh Glacier on Mt. Olympus and drains roughly 300 square miles.

The project area is situated in the lower third of the river's watershed, roughly 10 miles from the Pacific Ocean. At this location, the river valley is generally broad and relatively flat, with extensive gravel bars, river meanders, and side channels characteristic of a braided river.

### Project and Proposed Use

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Cici Wilson owns about 30 acres situated 14 miles south of the town of Forks, along US Highway 101. The upper portion of the property, roughly two acres, is on an upper river terrace. The remainder of the property is on a lower terrace in the floodplain of the Hoh River.

*See Attachment #1*

The property is undeveloped. The upper terrace portion next to US 101 is cleared. The remaining property is mostly wooded.

Ms. Wilson requests to divert water from an unnamed spring for domestic supply (in house use only). Ms. Wilson plans on diverting water from the spring using a hose with a screened intake. Water will be pumped to a reservoir tank for use in-house.

### **Water Demand**

The original application requested 0.04 cfs (20 gpm) and an unspecified annual quantity for domestic use. The water demand for a single residence for year-round use is close to 0.02 cfs and 0.34 acre-feet per year.

### Other Rights Appurtenant to the Place of Use

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There are no water rights or claims appurtenant to the place of use under this application.

### Beneficial Use

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The proposed use of water for domestic supply is defined in statute as a beneficial use (RCW 90.54.020(1)).

### Water Availability

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The proposed point of diversion is from a spring. This spring emerges in a small ravine at the break in slope between the upper and lower terrace on Cici Wilson's property. The water discharges to a small stream that flows onto the lower terrace area and into the Hoh River. The day of the site visit, November 5, 2013 the stream was roughly 3 feet wide. The stream was difficult to see because the area was heavily vegetated. According to Mary Huelsdonk, the stream flows year round.

### Impairment Considerations

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#### **Effects to Area Water Users**

A WRTS query shows the following within roughly one mile from the proposed POD:

- Three water right claims and one Certificate of Change filed for use from springs for domestic supply and recreation. All claimed sources appear to be different ones than the proposed source in the subject application.
- Three surface water certificates from unnamed sources for recreation, irrigation, and domestic supply. These sources are also different than the subject application.

Area users are not expected to be impaired by the proposed use.

### ***Fisheries and In-stream Flow Considerations***

The Hoh River supports a variety of salmonid fish, including spring and fall chinook, coho salmon, winter and summer steelhead trout and sea-run cutthroat trout. There are also smaller numbers of chum and sockeye salmon. The Hoh River fishery is managed by the Hoh tribe in cooperation with the Washington Department of Fisheries. (Golder, 2009)

Minimum instream flows have not been set in WRIA 20. In some areas, the Washington Department of Fish and Wildlife (WDFW) has recommended denial and low flow provisions. However, in the Hoh River subbasin, WDFW has not made recommendations.

The watershed plan addresses some policy-related instream flow recommendations, but did not include any flow number recommendations. The plan places high priority on developing improved stream gage and habitat data for use in developing the instream flow rule. The data are also important to fisheries management to sustain the current salmon habitat conditions, which are relatively better than other watersheds. Rule development will depend on agency resources. (Golder, 2009)

The US Geological Survey maintains Gage 12041200 at the Hoh River at U S Highway 101 which collects data on flows in the Hoh River. This gage has been collecting data since 1960 and is roughly five miles upstream of the Wilson property. Over the period of record, the lowest recorded flow was 249 cfs measured October 23, 1987, and the maximum discharge, 54,500 cfs measured on November 24, 1990 (USGS website, <http://wa.water.usgs.gov>).

### **Beneficial Use**

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The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

### **Public Interest Considerations**

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#### ***Status of watershed planning***

The planning group approved their watershed plan in late August 2008. The boards of county commissioners representing Clallam and Jefferson counties held separate public hearings in Port Angeles and Port Townsend, respectively, in September and October 2008. Commissioners from each county then held a joint meeting in Forks in November 2008, where they formally adopted the watershed plan.

As they move into Phase 4, the planning group will re-form as an implementing body consistent with their watershed plan. They will conduct outreach to increase citizen participation and to develop the best approach to write their detailed implementation plan.

The watershed plan addresses some policy-related instream flow recommendations but did not include any numeric recommendations on stream flow. The plan places high priority on developing improved stream gage and habitat data for use in developing the instream flow rule. The data are also important to fisheries management to sustain the current salmon habitat conditions, which are relatively better than other watersheds. Rule development will depend on agency resources.

***Availability of an alternative source***

There is no well or other alternative water source available. There is also no public water system in this area that is able to serve the Wilson property.

A maximum diversion of .02 cfs and an average of 300 gallons per day, or 0.34 acre-feet per year, is adequate for in-house domestic supply. The proposed appropriation is consistent with local planning and will not be detrimental to the public welfare.

**Conclusions**

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I find that:

- Water is available from proposed source.
- Domestic use is a beneficial use.
- The appropriation, as recommended, will not impair existing rights or in-stream flows.
- Approval of this application will not be detrimental to the public welfare.

**RECOMMENDATIONS**

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Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

**Purpose of Use and Authorized Quantities**

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The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 0.02 cfs
- 0.34 acre-feet per year
- Purpose: Single domestic in-house use

Proposed Point of Diversion:

- SE¼, SW¼, Section 27 Township 26 North, Range 12 W.W.M.

Place of Use

- As described on Page 1 of this Report of Examination.

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*Tammy Hall*

*Date*

*If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*



## Selected References

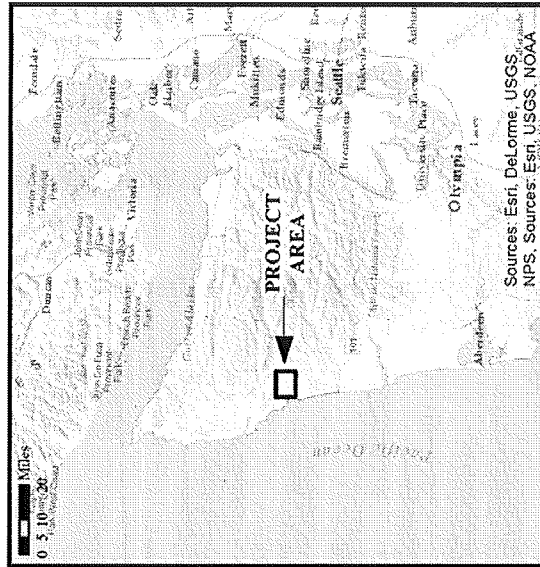
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Golder Associates, Inc, 2005, Water Resource Inventory Area 20 (WRIA 20) Final Draft Phase II Technical Assessment Report, May 27, 2005.

Golder Association, Inc, 2009 Water Resource Inventory Area (WRIA) 20 Watershed Management Plan, June 2009.

Golder Association, Inc, 2010 Water Resource Inventory Area (WRIA) 20 Detailed Implementation Plan March 24, 2010.

Water Right Application S2-30197,  
Sec. 7 T. 26N, R. 12W W.M.  
WRJA 20 - Jefferson County



Basemap - ESRI Terrain

- Legend**
- PLACE OF USE (POU)
  - POINT OF DIVERSION(POD)
  - PARCEL
  - ROAD
  - STREAM

Comments:

The Washington State Department of Ecology does not warrant, guarantee, or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, or otherwise.

Map Created 1/16/2014



Basemap - Ecology 2011 1m

DEPARTMENT OF  
ECOLOGY  
STATE OF WASHINGTON

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Feet